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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,686	10/08/2004	Michael Kruschke	32860-000791/US	4014
30596	7590	07/01/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O.BOX 8910 RESTON, VA 20195			FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/510,686

Applicant(s)

KRUSCHKE, MICHAEL

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11, 12 is/are rejected.
- 7) ☒ Claim(s) 4 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/08/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 1 - 12 are pending in the case and are being examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both "fixing limb" and "connecting bar" [Figure 2]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al. [US 5,589,672].

Uchida et al. disclose an electrical power circuit breaker [Abstract] comprising:

- a housing [12; Figure 20];
- a switching contact arrangement [Column 5, lines 44, 45; Figures 1, 20]
- a connecting bar [4, 5] accommodated in an opening in the housing, the end of the connecting bar which protrudes into the housing being part of a switching contact arrangement; and bearing
- an arcing horn [9; Figures 3, 6] which has a fixing limb resting on the connecting bar;
- wherein at least one projection pointing towards the connecting bar is formed on the fixing limb of the arcing horn [Column 5, lines 53 – 65; Figures 3 and 6]; and

- wherein the connecting bar has a recess for the purpose of accommodating the projection [Column 5, lines 62 – 65; Figure 3].

Regarding Claims 2 and 8, projection is in form of a bent-back section on the fixing limb, and the recess of the connecting bar in the form of a groove [Figure 3].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. [US 5,589,672].

Regarding Claims 3 and 9, Uchida et al. disclose the fixing limb is dimensioned to have same width as the connection bar [Figure 3], however do not disclose the recess extending over the entire width of the connecting bar. Providing the recess extending over the entire width of the connecting bar would be an obvious matter of design choice since such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. [In re Rose, 105 USPQ 237 (CCPA 1955)].

8. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. [US 5,589,672] in view of WO 200139225.

Regarding Claims 5, 6, 11 and 12, Uchida et al. disclose the instant claimed invention except for the connecting bar having a web as a stop device on the housing and a fixing device. WO 200139225 disclose a circuit breaker having a connecting bar [5] with a web [17] and a fixing device [20]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the connecting bar with the web acting as the stop device on the housing and the fixing device in Uchida et al., as suggested by WO 200139225, in order to reliably secure the connection bar [5] to the housing [Figure 2].

Allowable Subject Matter

9. Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or suggest, in combination with the claimed elements, "a collar which covers the fixing limb of the arcing horn at the top and at the sides is integrally formed on the housing."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Türkmen [US 6,100,490], Mueller et al. [US 5,075,520], Bach et al. [US 6,689,979], More et al. [US 5,210,385], Paton et al. [US 4,973,805] all disclose a circuit breaker with an arc horn. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented

Art Unit: 2832

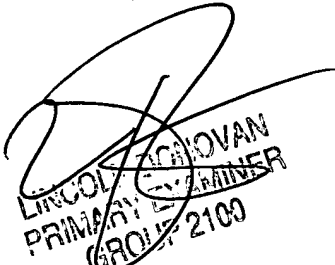
above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
June 22, 2005


LINCOLN ACHIOVAN
PRIMARY EXAMINER
GROUP 2100